

JOURNAL OF THE HOUSE.

Tuesday, September 20, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Forgiveness, at the beginning of each day, our intention for the day is to serve You, the people whom we represent and to fulfill our personal and legislative responsibilities. We pray for Your assistance so that we will be successful in this endeavor. We pray, also, for Your help in our constant struggle to unite people in our diverse communities in seeking goals and priorities which address the many current needs of people in these changing times. Teach us to recognize and respect the dignity and uniqueness of each person in our communities. Inspire us, also, to recognize, appreciate and utilize our great human and vast material resources. By our creative legislative proposals, may we improve the quality of life and the employment opportunities for all within our borders.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of  
allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Silent  
Prayer.

At the request of Representative Gifford of Wareham, the members, guests and employees stood in a moment of silent prayer in memory of Army Sergeant Alan Gifford, who was killed in Iraq on Friday. He leaves a wife and 2-year-old son who live in Georgia. His Bradley Fighting Vehicle was the target of an insurgent attack near the Syrian boarder. Sergeant Gifford was the nephew of Representative Gifford's husband, Mark.

Statement Concerning Representative Canavan of Brockton.

A statement of Mrs. Harkins of Needham concerning Mrs. Canavan of Brockton was spread upon the records of the House, as follows:

Statement  
concerning  
Representative  
Canavan  
of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Canavan of Brockton will not be present in the House Chamber for today's sitting due to her attendance at a previously scheduled conference out of state. Any roll calls that she may miss today or for the next few days will be due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mrs. Harkins of Needham concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Kennedy of  
Brockton.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Blumer of Framingham and Spiliotis of Peabody) on the retirement of Jane Lovett;

Jane  
Lovett.

Resolutions (filed by Mr. Marzilli of Arlington) congratulating Mickey Rooney on the occasion of his eighty-fifth birthday;

Mickey  
Rooney.

Resolutions (filed by Mr. Walsh of Boston) congratulating Joe Melanson on the occasion of his retirement; and

Joe  
Melanson.

Resolutions (filed by Mr. Walsh of Boston) congratulating Maureen Connors on the occasion of her retirement;

Maureen  
Connors.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kaufman of Lexington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Murphy of Burlington presented a petition (subject to Joint Rule 12) of Charles A. Murphy and others relative to tax classifications in the cities and towns of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Local  
taxes,  
classification.

Papers from the Senate.

The Senate Bill providing a charter for the city of Melrose (Senate, No. 2174), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (in section 1, in Article 6, in Subsection 6-7, by striking out the first sentence contained therein and inserting in place thereof the following sentence: "Except as otherwise may be provided by law, no official of the city of Melrose shall knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriations.") with the following further amendments: in section 1, in Article 2, in Subsection 2-2, in paragraph (a) adding at the end thereof the following sentence: "The method of election of the president shall be prescribed within the rules of the board of aldermen."; in

Melrose  
charter.

Melrose  
charter.

Article 7, in Subsection 7-4, adding at the end thereof, after the word "public" the words "and conducted on or before the thirtieth day preceding the date of the election"; in Article 8, in Subsection 8-2, in the second sentence, striking out the words "and in each of the wards into which the city is divided for the purpose of elections"; and in said Article 8, in Subsection 8-3, in paragraph (b), in the first sentence, inserting after the following: "8-2" the words "as they relate to the filing and certification of signatures".

Under suspension of Rule 35, on motion of Mr. Festa of Melrose, the further amendments were considered forthwith; and they were adopted, in concurrence.

The following notice was received from the Clerk of the Senate, to wit:

September 20, 2005.

Honorable Salvatore F. DiMasi  
*Speaker of the House of Representatives*  
Room 356, State House  
Boston, MA 02133

Dear Mr. Speaker:

Legislature,  
television  
coverage.

I have the honor to inform you that the Senate President has announced the following appointments to the Joint Special Commission established (pursuant to Section 37 of Chapter 45 of the Acts of 2006) relative to the production of cable television coverage of legislative sessions, committee hearings and other legislative and administrative procedures: Senators Stanley C. Rosenberg and Michael W. Morrissey, effective Tuesday, September 20, 2005.

Respectfully submitted,

WILLIAM F. WELCH,  
*Clerk of the Senate.*

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 7B be suspended on the following petitions:

Raynham,  
Borden  
Colony.

Petition (accompanied by bill) of David L. Flynn and Marc R. Pacheco for legislation to remove an agricultural preservation restriction from land known as Borden Colony in the town of Raynham. To the committee on Bonding, Capital Expenditures and State Assets.

Provincetown,  
historical  
commission.

Petition (accompanied by bill) of Shirley Gomes and Robert A. O'Leary relative to the historic commission of the town of Provincetown. To the committee on Municipalities and Regional Government.

Wellfleet,  
property tax  
exemptions.

Petition (accompanied by bill) of Shirley Gomes and Robert A. O'Leary relative to property tax exemptions for rental properties restricted as affordable housing in the town of Wellfleet. To the committee on Revenue.

Under suspension of the rules, on motion of Mr. O'Brien of Kingston, the reports were considered forthwith. Joint Rule 7B then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 7B be suspended on the petition of Matthew C. Patrick and others for legislation to validate certain actions on appropriation orders taken by the town council of the town of Barnstable. Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the report was considered forthwith. Joint Rules 12 and 7B were suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Barnstable,  
validate acts.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill providing for the disposition of certain property in the town of Upton (House, No. 4333) be scheduled for consideration by the House.

Upton,  
property.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Peterson of Grafton moved that it be amended in section 3, in line 1, by striking out the following: "section 40H" and inserting in place thereof the following: "sections 40H and 40I".

The amendment was adopted; and the bill (House, No. 4333, amended) was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Peterson, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4371), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

##### *Engrossed bills*

Establishing a sick leave bank for Earle Bercier, an employees of the Department of Correction (see House, No. 4056);

Bills  
enacted.

Establishing a sick leave bank for Kathleen A. Sammataro, an employee of the Trial Court (see House, No. 4310); and

Establishing a sick leave bank for Sandra Spiros, an employee of the Trial Court (see House, No. 4325);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a traffic commission in the city of Woburn (see House, No. 4063) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared

Bill  
enacted.

for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Second  
reading  
bills.

The Senate Bill authorizing the Department of Highways to acquire and transfer certain parcels of land in the town of Bourne (Senate, No. 2078); and

House bills

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving (House, No. 1433);

Authorizing the refund of automobile sales tax to Helen Bergman of Wilmington (House, No. 2313);

Establishing the office of finance director in the city of Northampton (House, No. 4186, changed); and

Relative to state unemployment tax avoidance (House, No. 4342);

Severally were read a second time; and they were ordered to a third reading.

Second reading  
bill amended.

The House Bill relating to the Reggie Lewis Track at Roxbury Community College (House, No. 1229) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill relative to the Reggie Lewis Track at Roxbury Community College (House, No. 4366),— was adopted.

The substituted bill then was ordered to a third reading.

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The House Bill establishing a minimum energy-efficiency standard for certain products (House, No. 4299) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 5 by striking out the paragraph contained in lines 1 through 4, inclusive, and inserting in place thereof the following paragraph:—

“Section 5 of said Chapter 25B, as so appearing, is hereby amended by inserting at the end thereof the following:—”,— was adopted.

The bill (House, No. 4299, amended) then was ordered to a third reading.

*Recess.*

Recess.

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Rodrigues of Westport (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Petrolati in the Chair.

*Orders of the Day.*

Supplemental  
appropriations.

The House Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4370) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. DeLeo of Winthrop moved that it be amended in section 2A, in item 1599-4123, in line 32, by striking out the following: “30 days” and inserting in place thereof the following: “70 days”; by striking out section 19 and inserting in place thereof the following section:

“SECTION 19. Employees covered by the terms of the collective bargaining agreements in item 1599-4123 of section 2A who, after July 5, 2003, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 5, 2003, shall be paid, not later than December 2, 2005, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 7, 2002 to July 5, 2003; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said item 1599-4123 of said section 2A and who retired after July 5, 2003, shall be calculated as though the employee’s regular compensation for any period of employment from July 7, 2002 to July 5, 2003 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee’s retirement allowance, including payments retroactive to the effective date of retirement.

Employees covered by the terms of the collective bargaining agreements in item 1599-4124 of section 2A who, after July 1, 2003, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2003, shall be paid, not later than December 2, 2005, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2002 to June 30, 2003; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said items 1599-4123 and 1599-4124 of said section 2A and who retired after July 1, 2003, shall be calculated as though the employee’s regular compensation for any period of employment from July 1, 2002 to June 30, 2003 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee’s retirement allowance, including payments retroactive to the effective date of retirement.”; and by adding at the end thereof the following section:

“SECTION 22. Section 9 of chapter 111L of the General Laws, as appearing in section 1 of chapter 27 of the acts of 2005, is hereby amended by adding the following subsection:—

(i) he council shall not be a state agency for the purpose of chapter 268A.”.

The amendments were adopted; and the bill (House, No. 4370, amended) was ordered to a third reading.

Supplemental  
appropriations.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, the same member moved that it be amended in section 2 by striking out item 0320-1520 and inserting in place thereof the following item:

"0321-1520 ..... 1,000,000";

and in item 1599-4123, at the end thereof, by striking out the following: "fiscal year 2002, as otherwise provided in the collective bargaining agreements" and inserting in place thereof the following: "fiscal year 2003, as otherwise provided in the collective bargaining agreements".

The amendments were adopted; and the bill (House, No. 4370, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Volunteer  
firefighters,  
death  
benefits.

The House Bill providing death benefits for volunteer firefighters and other volunteer public safety personnel (House, No. 4369) was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Bosley of North Adams and Knuuttila of Gardner moved that it be amended in section 1 by adding at the end thereof the following subsection:

"(d) Nothing in this section shall preclude a city, town or district from entering into an agreement with one or more governmental units for accidental death benefits for the surviving spouse of a volunteer emergency services provider who sustains injuries or illnesses, while in the performance of his duties, which are the direct and proximate cause of his death."

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 2. Section 1 of the act shall take effect on July 1, 2006."

The amendment was adopted.

Mr. Jones and other members of the House then moved that the bill be amended in section 1 by striking out the first paragraph and by adding at the end of said section, after the word "officer" the following: "; provided further that any city or town by vote of the Board of Selectmen and Town Meeting in the case of a town, or by a vote of the mayor and city council in the case of city, or by a vote of the manager and town council in a municipality with a Plan D form of government shall not be subject to the provisions of this section".

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by inserting after section 1 the following 2 sections:

"SECTION 1A. Section 100A of chapter 32 of the General Laws, as so appearing, is hereby amended, in subsection (c), in lines 8 and 9, by striking out the words 'firefighter, public prosecutor, police officer or corrections officer' and inserting in place thereof the following words:— deceased public safety employee. As used in this section, the phrase 'deceased public safety employee' shall mean any firefighter, any call, volunteer, auxiliary, intermittent or reserve firefighter, any call, volunteer, auxiliary, intermittent or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to chapter 152, any police officer, any auxiliary, intermittent, special, part-time or reserve police officer, any public prosecutor, or any corrections officer.

SECTION 1B. Said section 100A of chapter 32, as so appearing, is hereby further amended, in subsection (d), in lines 16 through 20, inclusive, by striking out, in each instance in which they appear, the words 'firefighter, public prosecutor, police officer or corrections officer' and inserting in place thereof, in each such instance, the following words:— deceased public safety employee."

The amendment was adopted.

Miss Reinstein of Revere and other members of the House then moved that the bill be amended in section 1, in proposed Section 89E, by striking out the first paragraph contained therein and inserting in place thereof the following paragraph:

"Section 89E. Notwithstanding Section 27C of chapter 29 of the General Laws or any general or special law to the contrary, any city, town, or district that utilizes Volunteer Emergency Service Providers shall make provisions for one of the following three accidental death benefits for the surviving spouse of a Volunteer Emergency Service Provider. If any call, volunteer, auxiliary, intermittent, or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to Chapter 152, while in the performance of his duties and as a result of an accident while responding to or returning from an alarm of fire or any emergency, or as the result of an accident involving a fire department vehicle, which the Fire Fighter or Emergency Medical Service Provider is operating or in which he is riding, or while at the scene of a fire or any emergency is killed or sustains injuries which results in his death; or an auxiliary, intermittent, special, part-time, or reserve police officer who, while in the performance of his duties, and as a result of an assault on his person, or as a result of an accident involving a police department vehicle which he is operating or in which he is riding in the performance of his duties as a police officer is killed or sustains injuries which results in his death shall be eligible for one of the following accidental death benefits as selected by the city, town, or district."

The amendment was adopted; and the bill (House, No. 4369, amended) was ordered to a third reading.

At nineteen minutes after three o'clock P.M., on motion of Mrs. St. Fleur of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until four o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recesses.

Recesses.

The House thereupon took a further recess, on motion of Mr. Flynn of Bridgewater, until half past four o'clock; and at a quarter before five o'clock the House was called to order with Mr. Petrolati in the Chair.

Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Quorum.

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 180.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

**[See Yea and Nay No. 180 in Supplement.]**

Therefore a quorum was present.

Mr. Naughton of Clinton and other members of the House then moved that the bill be amended by adding at the end thereof the following 5 sections:

"SECTION 4. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 of this act are hereby appointed from the General Fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2006, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECTION 5. For a one-time transfer from the General Fund to the Pension Fund to pay for the cost of an annuity for the family of Firefighter Martin H. McNamara V, pursuant to SECTION 6 of this act . . . . . \$650,000.

SECTION 6. The state treasurer through the Worcester Regional Retirement Board is hereby authorized and directed to pay, for the Pension Fund, to Claire B. McNamara, the surviving spouse of Firefighter Martin H. McNamara V, so long as she remains unmarried, an accidental death benefit allowance to consist of a yearly amount of annuity equal to 2/3s of the average annual salary of a first year career firefighter in the local area; such average to be determined by a survey of not less than 3 surrounding towns which are member units of the Worcester Regional Retirement System, such towns as determined by the Worcester Regional Retirement System, in consultation with the Public Employee Retirement Administration increased \$2,600 for each child of Firefighter Martin H. McNamara V during such time as each child is under 18 years of age or if a full-time student upon reaching the age of 22, or on the date a child cease to be a full-time student or such child over 18 years of age who is physically or mentally incapacitated from earning. If there is no surviving spouse or the surviving spouse later dies, such an annuity shall be paid to the eligible children or legal guardian(s) in equal shares. If the surviving spouse marries an annuity of \$12,000

should be made annually to each eligible child. For the purposes of this Act, the words, 'full-time student' shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words 'accredited educational institution' shall mean any school, college or university that is licensed, approved or accredited, as the case may be, in the state in which it is located. Any annuity granted under this section shall be increased by the same percentage allowed to other retirees or their dependents.

SECTION 7. Section 5 shall take effect on October 1, 2005.

SECTION 8. This act shall take effect on July 1, 2006."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide death benefits for volunteer firefighters and other volunteer public safety personnel, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Naughton; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Amendments  
adopted,  
yea and nay  
No. 181.

**[See Yea and Nay No. 181 in Supplement.]**

Therefore the amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Travis of Rehoboth; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 182.

**[See Yea and Nay No. 182 in Supplement.]**

Therefore the bill (House, No. 4369, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to responsible welfare reform (House, No. 4245) was read a second time.

Welfare  
reform.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4367),— Representatives DeLeo of Winthrop, Owens-Hicks of Boston, Cabral of New Bedford and St. Fleur of Boston moved that the proposed substitute bill be amended in section 6, in paragraph (b), by striking out the words "shall assign" and inserting in place thereof the words "need not assign"; in section 7, in subsection 2F, in paragraph (b), by striking out the following: "and which has been determined by the initial assessment required by section 3 of this chapter to prevent them from meeting the work requirements established by section 2H of this chapter", in said subsection 2F, in paragraph (c), by striking out the following: "whose responsibilities have been determined by the initial assessment required by section 3 of this chapter to prevent them from meeting the work requirements established by section 2H of this chapter", in said subsection 2F, in paragraph (d), by striking out the words "voluntarily quits a paying job for reasons unrelated to the health or safety of the recipient or

Welfare  
reform.

her unborn child or without other good cause reasons, shall not be eligible for the exemption based on pregnancy” and inserting in place thereof the words “voluntarily terminates a paying job for reasons unrelated to the health or safety of the recipient or her unborn child, as determined by the recipient’s medical provider, or without other good cause reasons, shall not be eligible for the exemption based on pregnancy. It shall be presumed that a recipient did not voluntarily terminate her employment, and, if the department determines that she did, the department shall carry the burden of proving that no good cause reason existed for such voluntary termination”, and by adding at the end of subsection 2G the following 2 paragraphs:

“(f) In the event a recipient is given a good cause exemption from the work requirements of section 2H pursuant to subsection (f) of said section, the calculation of the 60 month lifetime limit shall be suspended and not resume until such time as the recipient is no longer eligible for said good cause exemption, at which time the calculation shall resume.

(g) The department shall authorize hardship exemptions under the provisions of this subsection for recipients who are otherwise ineligible to receive further benefits because they have received benefits for 60 months, and who encounter emergency circumstances, including but not limited to, physical or mental impairment, illness, need for further education and training, domestic violence, and to those for whom the loss of assistance would likely contribute to the family becoming or remaining homeless.”, and in subsection 2H, in paragraph (e), by striking out the second and third sentence, as follows: “At the discretion of the commissioner, recipients who are subject to the work requirements imposed by this section and who consistently fail to meet said requirements shall be subject to sanction up to and including the termination of all assistance for their family; provided, that no such termination shall occur unless the department has worked with the F.O.R. Families program at the department of public health, or such other entity as the commissioner may deem appropriate, to visit the family at their home to ascertain if good cause exists for the failure to meet statutory requirements, and to try to induce compliance. If no such visit or intervention is made, the department shall not impose a full family sanction, so-called.” and inserting in place thereof the following sentence: “Except to the extent necessary to comply with the requirements of federal law, the sanction for not satisfying the work requirement shall not include termination of assistance to the children or other family members of the recipient.”; by striking out sections 8 and 9 and inserting in place thereof the following section:

“SECTION 8. The first paragraph of section 3 of said chapter 118, as so appearing is hereby amended by inserting at the beginning the following:— ‘(a)’ and is further amended by inserting at the end thereof the following words:— In no case shall a recipient be required to seek or accept employment as a condition of eligibility when a mental or physical disability of a dependent child requires presence at home. No individual shall be considered ineligible for aid or assistance because of failure to comply with the provisions of this chapter if such failure is due to illness or disability.”; in sec-

tion 11, in paragraph (d), by striking out the following: “or who has been determined by the initial assessment required by subsection (a) of this section to be a disabled person capable of meeting said work requirement,”, and in said section 11, in paragraph (g)(2), in the first sentence, by striking out the following: “by the initial assessment required by subsection (a) of this section to be a disabled person unable to meet the work requirement of section 2H and who are thus exempt under section 2F” and inserting in place thereof the words “exempt by reason of a recipient’s disability”; in section 12, in subsection 3B, in the first sentence, by striking out the words “non exempt families in which a parent or parents or other relative receiving assistance for a dependent child needs child care services in order to work or to participate in any of the education, training, community service or other employment services required by the employment development plan” and inserting in place thereof the words “families in which a parent or parents or other relative receiving assistance for a dependent child needs child care services in order to work or to participate in any of the education, training, community service or other employment services or family well-being plan activities”, and in subsection 3F, in paragraph (d), by striking out the following: “pursuant to subsection (a) of section 3”; by striking out section 16; and by striking out section 17 and inserting in place thereof the following section:

“SECTION 17. Section 3F of chapter 118 as inserted by section 12 and section 15 shall take effect on October 1, 2005. The remaining sections of this act shall take effect on the date that federal reauthorization of the Transitional Assistance to Needy Families (TANF) block grant becomes effective.”.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 131 members voted in the affirmative and 20 in the negative.

Further  
amendments  
adopted,  
yea and nay  
No. 183.

### [See Yea and Nay No. 183 in Supplement.]

Therefore the further amendments were adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 4367, amended) was ordered to a third reading.

### *Recess.*

At four minutes before six o’clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after six o’clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recess.

### *Paper from the Senate.*

The House Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4370, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 18 the following section:

Supplemental  
appropriations.

Supplemental  
appropriations.

“SECTION 18A. Notwithstanding any general or special law to the contrary, the division of medical assistance shall pay for nursing services when such services are provided by a member’s immediate relative, as defined in 130 CMR 414.409, if all or the following conditions are met: (1) the member qualifies for nursing services under MassHealth; (2) the member can provide documentation that he made good faith efforts to obtain nursing services, but was unable to obtain full coverage of approved services due to a lack of qualified nurses; (3) the services are provided by a registered nurse; and (4) the division would otherwise pay for the nursing services but for the prohibition in said 130 CMR 414.409.”

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The House then non-concurred with the Senate in its amendment; and the bill was returned to that branch endorsed accordingly.

*Emergency Measure.*

Supplemental  
appropriations.

The engrossed Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4370, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 25 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill providing a charter for the city of Melrose (see Senate, No. 2174, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Next  
sitting.

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Thursday at eleven o’clock A.M.

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Mr. Bosley of North Adams then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after eight o’clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M.